

Supplemental  
Letter from Department of  
International Cooperation of the  
Ministry of Justice of the  
People's Republic of China

# 中华人民共和国司法部

## Ministry of Justice, the People's Republic of China

No. 6, Chaoyangmen Nandajie, Chaoyang District, Beijing, 100020, P.R.China Fax: 86-10-65153065

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To the Honorable Maxine M. Chesney,

I am the Director General of the Department of International Cooperation of the Ministry of Justice of the People's Republic of China (hereinafter referred to as "Department of International Cooperation"), and I hereby make the following supplementary statements regarding the matter of witness testimony in the case of Fujian Jinhua Integrated Circuit Co., Ltd. ("Jinhua") (Case No. 3:18-cr-00465-/MMC).

1. Since June 10, 2022, Jinhua has consulted the Department of International Cooperation regarding the matter of witness testimony through the Department of Justice of Fujian Province. Jinhua indicated that the relevant witnesses are providing testimony voluntarily, and provided some court documents. On June 19, 2022, the Department of International Cooperation gave its preliminary opinion on the issue of witnesses' in-person testimony in the United States through the Department of Justice of Fujian Province. Upon hearing Jinhua's additional explanation, the Department of International Cooperation issued a formal response on June 20.
2. The reason that we believe that a request for criminal judicial assistance is needed in this case is mainly because the effect of the Court's order extends to the witnesses who live or reside within the territory of the PRC, and is based on the concern for protecting the lawful rights and interests of the witnesses and ensuring that they will testify truthfully. We understand that in this case, the Court, in response to the U.S. government's suggestion in its Fourth Status Report Regarding Diplomatic Correspondence dated June 9, issued an order on whether the two witnesses, Messrs. You Zhenfu and Wu Junsheng, whom Jinhua claimed to us are to testify voluntarily, need to testify in person. We believe that a request for criminal judicial assistance needs to be issued under this circumstance, and the request should state clearly the obligations to be assumed by the witnesses and the protection granted to them by law when they travel to the United States to testify. To this end, we suggested that Jinhua make a request with the Court to postpone the trial.

The Department of International Cooperation of the Ministry of Justice of the People's Republic of China presents its compliments to the Court's respect for the PRC's judicial sovereignty in this matter based on the principle of international comity.

*(Signature)*

DU Yaling

Director General of the Department of International Cooperation

Ministry of Justice of the People's Republic of China

July 18, 2022



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尊敬的 Maxine M. Chesney 法官:

我是中华人民共和国司法部国际合作局的局长,现就福建晋华案(案件号: 3:18-cr-00465-/MMC)相关证人作证事补充申明如下:

一、2022年6月10日以来,福建晋华公司通过福建省司法厅就证人作证相关问题咨询我局,称相关证人系自愿为其作证,并提供了部分法庭文件。2022年6月19日,我局通过福建省司法厅就证人赴美现场作证问题向晋华反馈了初步意见,并在听取晋华进一步说明后,于6月20日做出正式答复。

二、我们之所以认为该案需要提出刑事司法协助请求,主要是因为您所作出裁定的效果涉及中国境内的证人,基于保护证人合法权益、确保证人如实作证的考虑。我们理解本案中您按照检方6月9日《关于外交通信的第四次进展说明》中所建议的,对晋华向我们主张的自愿为其作证的尤振富、吴俊生两名证人是否需要现场作证作出了裁定。我们认为这种情况下需要提出刑事司法协助请求,并在请求中对证人赴

美作证应当承担的义务和法律给予证人的保护作出明确说明。为此，我们曾建议晋华提请您推迟相关庭审。

中华人民共和国司法部国际合作局对您在该案中基于国际礼让原则对中国司法管辖权的尊重表示赞赏。



杜亚玲

国际合作局局长

中华人民共和国司法部

2022 年 7 月 18 日

